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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

PAUL C. HALL

CIVIL ACTION NO: 12-2428

VERSUS

JUDGE DONALD E. WALTER

OVERHEAD DOOR COMPANY OF  
SHREVEPORT, INC.

MAGISTRATE JUDGE HORNSBY

**ORDER**

Before the Court is a Motion for Patural Summary Judgment filed by the Plaintiff, Paul C. Hall. [Doc. #9]. Upon due consideration the court finds that material issues of fact remain to be determined at trial. Plaintiff's motion is hereby **DENIED**.

Also before the Court is a Motion for Summary Judgment filed by the Defendant, Overhead Door Company of Shreveport, Inc. [Doc. #11]. Upon due consideration Defendant's motion is **GRANTED IN PART** and **DENIED IN PART**. Material issues of fact remain regarding Plaintiff's claims for violations of the Uniformed Services Employment and Reemployment Rights Act based on his wages and vacation leave. However, it is undisputed that Plaintiff's termination occurred more than a year after his reemployment with Overhead Door. The protections afforded under 38 U.S.C. § 4316(c) only apply to a service member discharged without cause within one year after his reemployment. The court finds the facts of this case to be distinguishable from those presented in *O'Mara v. Petersen Sand & Gravel, Inc.*, 498 F.2d 896 (7th Cir. 1974). Mr. Hall was reemployed by Overhead Door and given the exact position and pay he had prior to his deployment to Iraq. Accordingly, Plaintiff's termination claim fails as a matter of law and is **DISMISSED WITH PREJUDICE**.

The court hereby orders counsel to participate in mediation before Magistrate Judge Mark Hornsby. The current scheduling order is hereby **VACATED**. A new scheduling order setting the pretrial order deadline, pretrial conference, and trial date shall issue if mediation is unsuccessful.

**THUS DONE AND SIGNED**, this 14 day of August, 2013.



DONALD E. WALTER  
UNITED STATES DISTRICT JUDGE